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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/049,861	03/27/98	TANAKA	H JA996088

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INTELLECTUAL PROPERTY LAW
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SAN JOSE CA 95193

EXAMINER

DAVIS, D

ART UNIT	PAPER NUMBER
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2754

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DATE MAILED:

05/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 13

Application Number: 09/049,861
Filing Date: March 27, 1998
Appellant(s): TANAKA ET AL.

MAILED

MAY 18 2000

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G. Marlin Knight
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed March 13, 2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

*Reviewed
DN-SPE 2652
7/20/01*

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 5-12 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

JP 6-111294	Ishihara	4-1994
JP 6-290452	Matsumura et al	10-1994
JP 5-307748	Sato	11-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ishihara (JP 6-111294) or Matsumura et al (JP 6-290452).

Claims 5, 7-9 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sato (JP 5-307748)

Claims 5-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Samoto (JP 4-38716).

(11) Response to Argument

Appellants assert the following in the second full paragraph on page 5:

Ishihara JP6-111294 teaches to [sic] use of a pattern of bumps which is claimed to optimize durability of the slider while preventing "attraction" of the slider surface to the disk. Matsumura, et al., JP6-290452 teaches the burning of holes in a carbon substrate. Sato JP5-307748 teaches the formation of bumps on the head parking area which have no sharp angles. Samoto JP4-38716 teaches the use of concentric or spiral groove in the landing zone. Applicants respectfully disagree that these references anticipate the claims as amended above.

Whether the applied prior art uses a pattern of bumps to prevent "attraction" or stiction; burns holes in a carbon substrate; forms bumps with not sharp angles or uses a concentric spiral groove is moot to the *claimed invention*. Appellants claim "a circumferential bump zone adjacent to said free zone, the bump zone being formed with bumps protruding from the surface of said disk, the free zone having no bumps". The applied prior art discloses, and therefore anticipates, "a circumferential bump zone adjacent to said free zone, the bump zone being formed with bumps protruding from the surface of said disk, the free zone having no bumps".

Appellants assert in the first full paragraph on page 6 that the "claim language requires that 'the minimum fly height area of said slider' to be 'positioned over' the free zone area when landing said slider". The applied prior art, as required by the claims discloses "a landing position control unit for moving the slider so that the minimum fly height area of said slider is positioned over the free zone of said disk storage medium when landing said slider". This claim language is more than applicable to the applied prior art and is in agreement with the known movement of a slider with respect to a

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landing or parking area of a disk. In other words, since the slider is landing on a landing zone that would be location that the slider is "positioned over" over the free zone, which is a part of the landing zone, when "a minimum fly height" is reached, e.g. before the slider contacts the landing zone.

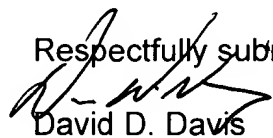
Similarly appellants assert the following in the paragraph bridging page 6 and 7:

Claim 9 as method [sic] includes the step of "reducing a rotation rate of the disk to allow a portion of the air bearing surface not having the lowest flying height to contact the textured area of the landing zone first".

This step is more than applicable to the applied prior art and is in agreement with the known movement of a slider with respect to a landing or parking area of a disk. Since the slider is landing, there would be a reduction of rotation rate of a disk with a portion of the air bearing surface. Also since the applied prior art shows an even air bearing surface, the portion of the air bearing surface not having the lowest flying, i.e. no surface, would contact the texture area of the landing zone first.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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Primary Examiner
Art Unit 2754

ddd
May 17, 2000

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